

Q. What is restitution?

- A. When the court orders you to pay restitution it is ordering you to pay back the damage you caused, both to the state and to the victim(s). The court orders restitution in all cases and it does not consider your ability (or inability) to pay when the order is made.

Q. When is restitution ordered by the courts?

- A. The court orders restitution as part of your sentence. In fact, the restitution order is read aloud in court along with your sentence to prison.

Q. Are there different types of restitution?

- A. There are three different types of restitution: *restitution fines*, *parole revocation fines*, and *direct orders*. The court can order all three types of restitution in the same case. If you are found guilty in multiple cases, the court can order all three types of restitution in each case.

Q. What is a restitution fine?

- A. *Restitution fines* are your “debt to society.” These fines are how you pay back the state for the crime you committed. *Restitution fines* are paid to the *Victim’s Compensation Government Claims Board* and are ordered in amounts ranging from \$200-\$10,000 (see California Penal Code §1202.4).

Q. What is a parole revocation fine?

- A. At the time of sentencing, the judge may also order a *parole revocation fine*, which means that the amount of your *restitution fine* will be doubled if you violate parole (see Penal Code §1202.45).

Q. What is a direct order?

- A. The court orders a *direct order* of restitution to pay back the victim(s) of the crime you have committed. The amount of the direct order is based on the amount of the loss each victim suffered as a result of the crime. There is no maximum amount that a judge can order for this type of restitution. This type of restitution goes directly to the victim.

Q. What is the Victim’s Compensation Government Claims Board?

- A. The *Victim’s Compensation Government Claims Board* is a state agency that exists to serve victims of crime. It is not part of the California Department of Corrections and Rehabilitation.

Q. Why does the Victim’s Compensation Government Claims Board collect fine money?

- A. The *Victim’s Compensation Government Claims Board* collects fine money to aid victims of violent crimes. These victims are most often women and children from low income neighborhoods. The money collected by the Board usually goes directly to the people and organizations helping these victims, for example, dentists, psychologists, domestic violence centers, and funeral homes.



Q. How is restitution collected while I am in prison?

- A. The California Department of Corrections and Rehabilitation automatically collects 50 percent of prison wages or other money deposited into your trust account to pay your restitution. The Department will always collect money to pay *direct orders* before collecting money to pay for *restitution fines*.

Q. Can I make voluntary payments on my restitution?

- A. You can send voluntary payments on your restitution to the accounting trust office at the institution where you are housed. Exact procedures vary between institutions. For more information you can talk to your Correctional Counselor.

Q. What is the 10% administrative fee?

- A. The California Department of Corrections and Rehabilitation keeps 10 percent of all restitution payments as the *Administrative Fee* (see Penal Code § 2085.5) to pay for the cost of collecting and distributing the payments. Voluntary payments made on behalf of inmates are exempt from the fee.

Q. How do I keep track of the restitution I owe while I am in prison?

- A.** Your institution may provide you with a copy of your restitution balance on a monthly basis. Direct any specific questions about your restitution to your Correctional Counselor.

Q. How is restitution collected once I am on parole?

- A.** Once you are paroled it is your responsibility to send restitution payments to the California Department of Corrections and Rehabilitation, P.O. Box 276088 Sacramento, CA 95827. Clearly mark your name and CDC number on the check or money order and make it payable to the California Department of Corrections and Rehabilitation.

Q. How do I keep track of the restitution I owe while on parole?

- A.** Your parole agent can provide you with copies of your restitution balance and respond to specific questions about your restitution.

Q. Can I transfer my parole to another state if I owe restitution?

- A.** You must pay off your restitution in full to transfer your parole to another state. Once you pay off your restitution your parole agent will request a receipt showing a zero balance to submit with your transfer papers.

Q. Can I be discharged from parole early if I owe restitution?

- A.** You must make reasonable payments on your restitution while on parole to receive favorable consideration for early release. Payment of restitution is part of a successful parole.

Q. What happens if I don't pay my restitution?

- A.** Restitution never goes away. Even if you declare bankruptcy you will still owe restitution [see Federal Statute 11USC §523 (a) (7)]. If you do not make a good faith effort to pay your restitution while on parole your parole agent may refer your case to the Franchise Tax Board for collection. If you still owe restitution when you discharge from parole, the *Victim's Compensation Government Claims Board* will refer you to the Franchise Tax Board for collections.



**California State Department of
Corrections and Rehabilitation**

AN ADULT OFFENDER'S GUIDE TO RESTITUTION

